REMARKS

Claim Rejections

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kao (6,171,284) or Kuracina (5,269,765).

Drawings

It is noted that the Examiner has accepted the drawings as originally filed with this application.

New Claims

By this Amendment, Applicant has canceled claims 1-6 and has added new claims 8-13 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The new claims recite a protecting cap structure for a needle of a syringe comprising a protecting sleeve (1) having: a) a cylindrical member (12) with a hollow interior having: i) a compression portion (121) on a first end; and ii) two foldable portions (122) connected at a first end respectively to the cylindrical member, the compression portion and the two foldable portions being connected in series, the compression portion and the two foldable portions being moveable between an extended position and a folded position, such that in the extended position the needle is positioned within the hollow interior of the protecting sleeve and in the folded position the needle protrudes from the first end of the protecting sleeve; and b) a cover (11) having a semi-circular cross section and being pivotally connected to the cylindrical member, the cover selectively locking the compression portion and the two foldable portions in a position selected from the extended position and the folded position.

Other embodiments of the present invention include: a foldable extension member (128) formed on a second end of the cylindrical member adjacent to the two foldable portions, the foldable extension member having a through hole (124) and a protrusion (123), and being configured to removably lock the needle to the

cylindrical member by inserting the protrusion into the through hole; a hooking strip (125) extending from a second end of the cylindrical member, and an engaging hole (111) in the cover, wherein the hooking strip engages the engaging hole when the cylindrical member and the cover are in the extended position; and two engaging notches (112) on opposing sides of the cover.

The cited reference to Kao discloses a sleeve (1), a coil spring (2) inserted into the sleeve, a mount (3), and a syringe needle (4). The mount is connected between the sleeve and the syringe needle. The sleeve has a center section (12) with break lines (121), the center section being parallel with a coil spring.

Kao does not teach: a compression portion and two foldable portions being connected in series; a cover having a semi-circular cross section and being pivotally connected to the cylindrical member; nor does Kao teach a cover selectively locking the compression portion and the two foldable portions in a position selected from the extended position and the foldable position. Additionally, Kao does not teach a foldable extension member; a hooking strip extending from a second end of the cylindrical member; or two engaging notches on opposing sides of the cover.

The cited reference to Kuracina discloses a protective sleeve (30), a needle (36) connected to the protective sleeve, slats (28') formed along the length of the protective sleeve, and a spring positioned around the protective sleeve parallel with the slats, and a locking collar (32) connected to an end of the protective sleeve thereby locking the spring in position.

Kuracina does not disclose the compression portion and the two foldable portions being connected in series; a cover having a semi-circular cross section and being pivotally connected to the cylindrical member; nor does Kuracina disclose the cover selectively locking the compression portion and the two foldable portions in a position selected from the extended position and the foldable position. Additionally, Kuracina does not teach a foldable extension member; a hooking strip extending from a second end of the cylindrical member; nor does Kuracina teach two engaging notches on opposing sides of the cover.

The present invention discloses a structure comprising a cylindrical extendible member 12, a compression portion 121 with a suitable length and especially a pair mutually opposite foldable portions 122 to achieve the compression

purpose effectively and safely. Kao uses a coil spring 2 intending to achieve the compression purpose, and Kuracina uses the spring 44 for this same purpose. The use of springs in these two cited patents cause a problem in that the spring is thin which is not easy for the users to pull or push the covers. Furthermore, the other problem will be a matter of safety. It is found the lengths of the springs set in these cited patents are almost equivalent to the lengths of the needles in order to achieve the function of compressing the covers down fully to show the whole length of the needles before injection. To achieve this purpose, it will have to add to the length of the springs as well . As the spring is lengthened, the needles in the equivalent length will be unsteady. The above mentioned flaws are avoided in the present invention. By the design of compression portions and foldable portions in the present invention, the required force by the users much less, and further by designing the two-section needle structure to include a base in plastic and a needle in metal will make the compressing process easier and safer for the user before injection.

The present invention when in the folded position discloses two devices to firmly lock the structure, i.e., the engagement between the two foldable portions 122 and the engaging notches 112, and the protrusion 123 that engages with the through hole 124 to lock the needle to the cylindrical member. Furthermore, as another safety feature, the present invention teaches that by appropriately rotating the foldable cover 11, the engaging hole 111 formed on the wall of the foldable cover 11 may engage with the hooking strip 125 extending from the second end of the cylindrical extendible member 12 to thereby prevent the cylindrical extendible member 12 from being compressed.

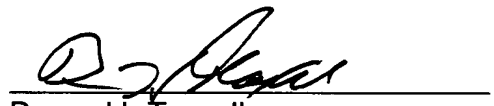
It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclosure each and ever feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that neither Kao, nor Kuracina disclose each and every feature of Applicant's new claims and, therefore, neither of the cited references anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, neither Kao, nor Kuracina can be said to anticipate any of Applicant's new claims under 35 U.S.C. §102.

It is further submitted that neither Kao, nor Kuracina disclose or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious the new claims 8-13 under 35 U.S.C. § 103.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: September 8, 2003 By: 

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